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ROWLAND MARCUS ANDRADE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No. 3:20-cr-00249-RS

**REPLY IN SUPPORT OF DEFENDANT
ANDRADE'S MOTION IN LIMINE
OBJECTING TO GOVERNMENT
EXPERTS**

Judge: Hon. Richard Seeborg, Chief Judge

Defendant Rowland Marcus Andrade files this Reply in support of his Motion in Limine
Objecting to Government Experts.

1 Mr. Andrade appreciates that the government appears to agree with three of Mr.
2 Andrade's four objections: (1) the government agrees that, rather than say that Mr. Andrade
3 "layered and commingled funds raised from investors in AML *Bitcoin in order to conceal their*
4 *course, and then to further conceal their integration, or use, for Andrade's personal benefit,*"
5 ECF 4203:15-17 (Government's Carfora Notice) (emphasis added), Special Agent Carfora will
6 say that Mr. Andrade's transactions "are consistent with or indicative of or appear to be efforts to
7 conceal their source and conceal their integration or use." ECF 482 at 2:24-26 (Government's
8 Response to Mr. Andrade's Motion in Limine Objecting to Government Experts); (2) the
9 government agrees that Special Agent Carfora "will not offer any expert opinion on whether he
10 believes any of the representations made were or were not fraudulent," ECF 482 at 3:9-10,
11 despite the statement in his disclosure that Mr. Andrade's transfer and use of funds to buy two
12 properties was "accomplished through the layering and comingling of funds Andrade *raised from*
13 *AML Bitcoins through fraudulent misrepresentations.*" ECF 420 at 3:24-25 (emphasis added);
14 and (3) Mr. Tabbal will remove his reference to "how to identify if a wallet is used for the sale of
15 child sexual abuse material (child pornography)." ECF 482 at 4:3-6.

16 The only remaining issue is whether Special Agent Carfora can state his conclusions in
17 the form of "is consistent with" money laundering, or whether he should be limited to "may be
18 consistent with." The Ninth Circuit's decision in *United States v Alonso*, 48 F.3d 1536 (9th Cir.
19 2005), makes a number of mentions of the latter formulation. *See, e.g., id* at 1541 (twice), 1542.
20 As the government, notes, however, it does approve of the government's formulation. For the
21 reasons stated in his opening brief, Mr. Andrade submits that the latter formulation is the one that
22 best ensures that, while remaining potentially helpful and informative, the testimony will not
23 invade the province of the jury.

Respectfully submitted,

DATED: January 21, 2025

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By: /s/ Michael J. Shepard
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